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Victim Compensation and Government Claims Board

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*Helping California crime
victims since 1965*

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From the Desk of Karen McGagin, Executive Officer

Can you imagine a time without domestic violence shelters? A time when there were no restraining orders or batterer intervention programs? A time when calling the police most often meant that an abuser got "a walk around the block" to cool off? Some of us can remember those days. It wasn't that long ago, just 40 years, when abused spouses faced domestic violence on their own every day, usually without support from their community or protection from law enforcement.

California has played a big part in changing attitudes toward domestic violence. Haven House in Pasadena was one of the first shelters in the world to open its doors to battered women decades ago. Now domestic violence shelters and the laws and programs that help domestic violence victims and their children are an integral part of our communities. With October being National Domestic Violence Awareness Month, we recognize the toll domestic violence takes on our communities and remember how important it is to support all the organizations working to help victims and their children.

This month you will read about how the Victim Compensation and Government Claims Board assists domestic violence victims by paying medical bills, replacing lost wages, helping with relocation expenses and more. In FY 2004-2005, the Board paid more than \$9.5 million to help victims of domestic violence and their children.

Many of our partners in the victim service arena are probably not familiar with the work that the Board's Government Claims Program does organizing the California State Employees Charitable Campaign (CSECC). Each year the Board certifies the thousands of charitable organizations that are eligible to participate in the campaign and selects the local agencies that manage the campaigns in various parts of the state. The Capitol Area campaign alone raises more than \$5 million each year from the contributions of state employees. You can find out more about the Board's responsibilities for the CSECC on our website at <http://www.victimcompensation.ca.gov/CSECC.htm>. The annual workplace giving campaign takes place in October, coinciding with Domestic Violence Awareness Month.

Hurricane Katrina victims have been in our hearts and minds during the last two months. In August and September, we all watched in horror as the trauma of Katrina and the events surrounding it took their toll on the country. Californians,



Karen McGagin

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National Domestic Violence Awareness Month - October

National Domestic Violence Awareness Month, observed annually in October since 1987, raises awareness about the prevalence and cost of domestic violence, the need for prevention, and the availability of services for victims of abuse. Domestic violence is a reality. It is a serious crime and public health concern that can include physical, sexual, psychological, and emotional abuse of a family member or partner.

One woman is raped or physically assaulted by a partner every three minutes¹, and on average more than three women in this country are murdered by their husbands or boyfriends every day.² According to domestic violence statistics collected by the Department of Justice, California local law enforcement agencies received 186,439 domestic violence-related calls for assistance in 2004. During that same year, there were 169 murders committed as a result of partner violence and 46,353 arrests for spousal abuse under Penal Code section 273.5.

In 2005, The Attorney General's Task Force on Local Criminal Justice Response to Domestic Violence held hearings across the state to examine local responses and protocols. The report of the Task Force, "Keeping the Promise: Victim Safety and Batterer Accountability," was released in July 2005. The report examines four areas: restraining orders; prosecution; batterer intervention programs; and health care pro-



vider reporting. The report details minimum standards and problematic practices, and makes recommendations for improvements in each area. The Task Force was chaired by Casey Gwinn, former San Diego City Attorney and now Direc-

tor of Restitution Enforcement and Victim Services in the San Diego County Attorney's Office. Karen McGagin, Executive Officer of the Victim Compensation and Government Claims Board, was a member of the Task Force. The full text of the report is available at www.safestate.org.

As a result of the Task Force findings, two bills, AB 1288 and SB 720, have been signed by Governor Schwarzenegger. AB 1288 authorizes arraignment courts to prohibit domestic violence defendants from possessing firearms. SB 720 helps ensure that family court restraining orders are entered into the Department of Justice's database.

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The National Domestic Violence Hotline, 1-800-799-SAFE, established in 1996, reported a 15 percent increase between May 31, 2004 and May 31, 2005. Hotline staff have answered more than 1,240,000 calls nationwide. They answer

more than 16,000 calls per month from victims, survivors, friends and family members, law enforcement personnel, domestic violence advocates, and the general public.

Hotline Services include:

- Crisis intervention, safety planning, information about domestic violence, and referrals to local service providers
- A direct connection to domestic violence resources available in the caller's area, provided by a Hotline advocate
- Assistance in both English and Spanish with Hotline advocates having access to more than 140 different languages through interpreter services

¹ Based on the National Institute of Justice and Centers for Disease Control and Prevention data

² Bureau of Justice Statistics Crime Data Brief, Intimate Partner Violence, 1993-2001, February 2003

National Domestic Violence Awareness Month - October

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To increase public awareness about the Victim Compensation and Government Claims Board, the new bilingual poster, which features the slogan "Violence Hurts Everyone...We Can Help," will be distributed to domestic violence shelters and rape crisis centers throughout the state.

To mark Domestic Violence Awareness Month in October, many agencies as well as some Victim Witness Assistance Centers across California will partner with Verizon's HopeLine program to provide cellular phones for victims of domestic violence. Used cell phones are collected and turned over to Verizon. In turn, Verizon donates new phones and cellular airtime for use by domestic violence victims. The phones provide these victims a vital link to emergency and support services during a crisis. Another benefit of the program is HopeLine's recycling efforts, which kept more than 200 tons of cell phones and batteries out of landfills.



How Does the Victim Compensation and Government Claims Board Help?

The Board's Victim Compensation Program can help domestic violence victims with relocation assistance, emergency awards, mental health services, home security, and medical and dental expenses. Children who witness domestic violence and live in an environment where violence occurs may experience some of the same trauma as abused children and also qualify for program benefits. Here are some of the compensation benefits available to both adult victims of domestic violence and to children living in a household where domestic violence occurs.

Relocation Benefits: The Program can provide money for immediate and critical moving expenses when victims and their children must relocate in order to stay safe. The benefit limit is \$2,000 per household and helps a domestic violence victim pay for the first and last month's rent, a security deposit, a moving truck, or other relocation expenses.

Emergency Awards: Victim compensation can cover unexpected expenses that are allowed under the Program. Emergency Awards are allowed when there is an immediate need or a substantial hardship. Funds can be used to ensure the safety of a domestic violence victim who may need to move suddenly. In most cases, emergency awards are paid within 30 days of being requested.

Mental Health Benefits: Victims and their children may qualify for payment of up to 40 counseling sessions and, in some cases, inpatient mental health treatment.

Home Security Systems: The Program may provide up to \$1,000 for the expense of installing or increasing residential security in the residence where the crime occurred. Expenses that are covered include alarms, keypads, cameras, motion detectors, installation and monitoring costs, window bars, security doors, or replacing or increasing the number of locks.

Medical & Dental Benefits: Compensation helps pay for medical and dental expenses such as doctor bills, hospital bills, prescriptions, dentures, and broken or damaged teeth when the injuries are a direct result of the assault. The Program may also be able to reimburse victims for time they miss from work because of their injuries. Most types of bills are paid at set rates. If a victim has insurance or Medi-Cal, the Program can pay the victim's co-pays or the losses not covered by insurance.

For more information, visit www.victimcompensation.ca.gov or call 1-800-777-9229.

Key Restitution Legislation Signed by Governor Schwarzenegger

The Board's Restitution Omnibus Bill, SB 972 authored by State Senator Charles Poochigian, was signed into law on September 21st. The new statute will improve several aspects of the imposition and collection of victim restitution. It allows video teleconferencing for restitution hearings, requires Board notification when inmates inherit money, and allows judges to require that funds confiscated at arrest be applied to restitution.

The provision allowing video teleconferencing for hearings is an especially welcome change for victims and prosecutors alike.

Holding hearings via a television link when an offender in prison requests a restitution hearing will decrease the risk of an inmate escaping during transportation to court. The cost to the county where the offender was sentenced will also be reduced, and the likelihood that a victim will have to face the offender in person in court will be minimized, as well.

According to Ken Ryken, Deputy District Attorney, Alameda County Head of Restitution Recovery Unit, "This new process will certainly save a great deal in terms of court

resources. Right now, we must file a removal order and expend county resources to transport and house the inmate if we need to bring that

"This new process will certainly save a great deal in terms of court resources. At the same time, it reduces the risks associated with moving inmates back and forth."

Ken Ryken, Deputy District Attorney,
Alameda County Head of Restitution
Recovery Unit

person back for a hearing. The video teleconferencing gives the inmate the same due process right, but saves judicial resources and county expenses. At the same time, it reduces the risks associated with moving inmates back and forth."

Another provision of the bill requires the Board to be told when an inmate receives an inheritance. Often inmates ordered to pay restitution enter the Department of Corrections and Rehabilitation (CDRC) with minimal assets. Occasionally, an inmate will inherit money that would not nec-

essarily become known to the Board. With the personal representative or attorney of the estate now having to disclose an inheritance, the Board is better equipped to pursue collection.

A third provision in the bill allows judges to confiscate funds found on an offender at the time of arrest. Previously, when an offender was arrested with a sum of money on his or her person, the law did not specifically allow judges to order restitution from that money. Now, those funds can be used to pay restitution debts.

With SB 972 chaptered into law, victims' services and the criminal justice system can continue to improve the collection of restitution. Laura Hill, Deputy Executive Officer for Revenue Recovery at the Board, states, "This new law is an opportunity for counties to be able to use an alternative approach to getting restitution ordered on behalf of victims when offenders are incarcerated. It eliminates barriers to getting restitution to victims, while still holding inmates accountable."

Other New Statutes of Interest to Victims

AB 22 (Lieber) establishes human trafficking as a crime, and improves rights and services for victims of trafficking. Victims who experience violence or the threat of violence may be eligible for the victim compensation.

SB 719 (Romero) addresses problems that result from high-speed police pursuits. The bill expands eligibility for the VCP to include people who are injured or killed by car accidents resulting from suspects fleeing law enforcement.

AB 1288 (Chu) and **SB 720 (Kuehl)** strengthen and improve the domestic violence protective order system. Both bills were sponsored by the Attorney General and incorporate recommendations from the Task Force on Domestic Violence, in which the Board participated.

New Federal Program to Help U.S. Victims of Terrorism Abroad

For American citizens living or traveling outside the United States, a program is in the works that could help should they become victims of international terrorism. The Office of Justice Programs has proposed regulations that would authorize the Federal Office of Victims of Crime to establish an International Terrorism Victim Expense Reimbursement Program. The program would reimburse expenses for victims of terrorism when it occurs outside of the United States.

Although some other countries do have victim compensation programs, they do not always compensate foreigners. Many

countries have no compensation or victim assistance programs, and obtaining any kind of help can be difficult given language barriers and cultural differences.

Additionally, while some U.S. states cover their citizens who are victimized overseas, the federal government no longer requires them to do so. The International Terrorism Victim Expense Reimbursement Program would help U.S. citizens and foreign citizens working for the United States in the event of a terrorist attack. The Victims of Crime Act supports the program with funding. VOCA is funded by fines,

fees, penalty assessments, and forfeitures paid by federal offenders.

The proposed regulations would allow victims to file claims for international terrorism crimes occurring on or after 12/21/1988. The proposals hold the U.S. Attorney General responsible for determining if an act of international terrorism has taken place.

Comments will be accepted on the proposed regulations through Monday, October 24, 2005. General questions can be addressed by calling the International Terrorism Victim Expense Reimbursement Program at 800-363-0441. For more information you can also visit www.ojp.usdoj.gov.

Helping Those Who Help Others

Did you know that the Board also has a program to help private citizens who stop to help when a crime or an accident happens?

It is called the Good Samaritan Program. Established in 1965, the same year as the Victim Compensation Program, the Good Samaritan Program helps private citizens who come to the aid others.

Whether a person helps when a crime is occurring, in a civil or natural disaster, or in single dangerous incident such as a drowning or car crash, we can help if that Good Samaritan is hurt or has property damage. Program benefits cover losses up to \$10,000 and may pay for property damage, lost income or support, medical expenses, mental health treatment, and when necessary, funeral and burial costs.

Who qualifies as a Good Samaritan? Someone who prevents a crime, apprehends a criminal, assists a law enforcement or public safety officer, rescues a victim of some other kind of incident or catastrophe, or provides assistance if a victim's life is in immediate danger.

The Program also can help a family member of a Good Samaritan in the event someone is killed while trying to help. Qualifying family members include: a spouse or registered domestic partner, children, or other legal dependents.

Last January, at the time of the Glendale train derailment, Costco employees rushed to help, and played an important role in the rescue efforts. That's an example of the Good Samaritan principle at work. In the last five years, the Program has paid benefits totaling almost \$67,000 to 24 Good Samaritans. For more information, call 1-800-777-9229.

From the Desk of Karen McGagin

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all too familiar with disaster, helped in many ways. We sent search and rescue teams, highway patrol officers, firefighters, and medical personnel to the Gulf States. We volunteered to help, sometimes at great personal cost.

In September, Governor Schwarzenegger joined with California's other constitutionally elected officers to offer state employees an unprecedented way to help, by contributing directly through payroll deduction to Katrina relief organizations. United Way will distribute the contributions and has agreed to waive its administrative fee. Because of our role in helping to manage the CSECC, the Victim Compensation and Government Claims Board was selected to coordinate this effort and collect contributions. State employees can find information about how to participate on our website at www.victimcompensation.ca.gov/HurricaneKatrina/DisasterReliefCampaign.htm.